

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§
PETITION OF ERIC BERNARD	§ No. 378, 2022
SIMMONS: SIMMONS TRUSTEE	§
OF ERIC BERNARD SIMMONS	§
TRUST FOR A WRIT OF	§
MANDAMUS	§

Submitted: November 28, 2022

Decided: December 13, 2022

ORDER

It appears to the Court that, on October 12, 2022, the Senior Court Clerk directed the petitioner to pay the filing fee or file a completed motion to proceed *in forma pauperis* by October 27, 2022. On October 21, 2022, the petitioner filed an incomplete motion to proceed *in forma pauperis* that did not include a certified statement of his inmate account. The petitioner indicated that he was not an inmate, even though he stated in his petition for a writ of mandamus that he (i) was unlawfully confined in Sussex Correctional Institution, (ii) identified Sussex Correctional Institution as his address, and (iii) sought release from the Department of Correction. On October 24, 2022, the Chief Deputy Clerk advised the petitioner to file a completed motion to proceed *in forma pauperis*, including a certified statement of his inmate account. On November 14, 2022, the petitioner again filed a motion to proceed *in forma pauperis* claiming he was not an inmate and failing to include an inmate account statement.

On November 15, 2022, the Chief Deputy Clerk issued a notice, by certified mail, directing the petitioner to show cause why his petition should not be dismissed for his failure to pay the filing fee or file a motion to proceed *in forma pauperis* with an inmate account statement. Postal records show that the notice to show cause was delivered on November 17, 2022. A timely response to the notice to show cause was due by November 28, 2022.¹ To date, the petitioner has not paid the Supreme Court filing fee, filed a motion to proceed *in forma pauperis*, or responded to the notice to show cause. Dismissal of this petition is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

¹ Del. Supr. Ct. R. 11(a) (providing that if the last day of the time period prescribed by the Rules falls on the weekend or a holiday then the time period runs until the end of the next day the Clerk's office is open).